IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CIVIL APPLICATION NO.4587 OF 2006
IN
FIRST APPEAL ST.NO.24726 OF 2006

United India Insurance
Co.Ltd. ..Applicant
Vs.
Mr.S.Bhargavan Pillai
& Anr. ..Respondents

Mr.S.G.Deshpande, Advocate for applicant
Mr.K.K.Tated Advocate for respondents

**CORAM: SMT.RANJANA DESAI &**
**SMT.V.K.TAHILRAMANI,JJ.**

**DATE : OCTOBER 16, 2006**

**P.C.**

1. We have heard the learned counsel for the parties. The learned counsel for the applicant states that the entire decretal amount is deposited in the trial Court. In the circumstances of the case, in our opinion, the following order will meet the ends of justice:

a) Since the applicant has deposited the entire decretal amount in the trial Court, the effect, operation and execution of the Award passed by the Motor Accident Claims Tribunal in Application No.2773 of 1994 dated 14th February, 2006, shall stand stayed during the pendency of this First Appeal.

b) Out of the amount deposited in the trial Court, an amount of Rs.5,00,000/- (Rs. five lakhs only) can be withdrawn by the 1st respondent without furnishing surety and further an amount of Rs.5,00,000/- (Rs. five lakhs only) can be withdrawn by the 1st respondent after furnishing Bank Guarantee to the satisfaction of the trial Court.

c) Rest of the amount, be invested by the trial Court in a nationalised bank in fixed deposit on usual terms.

d) The amount withdrawn by the 1st respondent and the amount deposited in fixed deposit, will abide by the final orders that may be passed by this Court in the First Appeal.

e) Trial Court shall act on the authenticated copy of this order.

2. Civil application is disposed of.

[ SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI,J.]